

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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BGG by and through his guardian ad litem Maria I Guerra Mendoza,

Plaintiff,

2:23-cv-00954-VCF

V.

KILOLO KIJAKAZI, Acting Commissioner of Social Security,

ORDER

[Motion/Application for Leave to Proceed in
forma pauperis (ECF No.2)]

Defendant.

Before the court is BGG's motion to appoint Guardian ad Litem (ECF No. 1) and Motion/Application to Proceed *In Forma Pauperis* (ECF No. 2).

I. Guardian ad Litem

BGG states that he is a minor child born in 2005 of Maria I. Guerra Mendoza. Mendoza has custody of BGG. Petitioner BGG requests that Maria I. Guerra Mendoza is appointed as his Guardian ad Litem. The motion to appoint Guardian ad Litem is granted.

II. In Forma Pauperis Application

Plaintiff challenges the Social Security Administration's denial of Social Security Disability Insurance benefits.

Plaintiff asserts in his application to proceed *in forma pauperis* that his has no income. *Id.* Plaintiff states that the spouse of the guardian ad litem Maria I Guerra Mendoza makes \$2600 monthly.

Accordingly, Plaintiff's request to proceed *in forma pauperis* is granted pursuant to § 1915(a).

1 Effective December 1, 2022, the Federal Rules of Civil Practice were amended to add
2 Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g) except to the extent that they
3 are inconsistent with the Supplemental SSA Rules. The highlights of the new Supplemental Rules are as
4 follows:

- 5 • Outlines specific information that must be included in the complaint;
- 6 • Eliminates the need for service under Fed. R. Civ. P. 4, and provides for electronic
7 service on the Commissioner of Social Security by Notice of Electronic Filing sent
8 to the SSA's Office of General Counsel and the United States Attorney's Office for
9 the district where the action is filed;
- 10 • Provides that the administrative record may serve as the answer to the complaint and
11 must be filed within 60 days of the receipt of notice of the action; and
- 12 • Provides a briefing schedule for the plaintiff's brief (30 days after answer),
13 Commissioner's brief (30 days after plaintiff's brief) and plaintiff's reply brief (14
14 days after Commissioner's brief).

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16 Accordingly,

17 IT IS HEREBY ORDERED that BGG's motion to appoint Guardian ad Litem (ECF No. 1), is
18 GRANTED.

19 IT IS FURTHER ORDERED that Maria I. Guerra Mendoza is appointed as BGG's Guardian ad
20 Litem.

21 IT IS FURTHER ORDERED that Plaintiff's Application for Leave to Proceed in forma pauperis
22 (ECF No. 2) is GRANTED.

23 IT IS FURTHER ORDERED that Plaintiff's Complaint (ECF Nos. 2-1) will proceed against
24 Defendant.

1 IT IS FURTHER ORDERED that Plaintiff shall familiarize himself with the Supplemental Rules
2 for Social Security Actions Under 42 U.S.C. § 405(g) found in the Federal Civil Judicial Procedure and
3 Rules 2022 Revised Edition. As stated above, these Rules pertain to service (Rule 3), the answer, motions
4 and timing (Rule 4), and the motion, response and reply brief (Rules 6 through 8).

5 DATED this 11th day of July 2023.

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7 CAM FERENBACH
8 UNITED STATES MAGISTRATE JUDGE
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